

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-313 (PJS/TNL)

Plaintiff,

v.

ORDER

Ramiro Guerra,

Defendant.

This matter comes before the Court on Defendant's Motion for Continuance of Motion Filing Date and Motion Hearing, ECF No. 13. Defendant filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial, ECF No. 14. Defendant requests a continuance because although defense counsel has received discovery in this case, defense counsel has not had sufficient time to review the production with Defendant and with the assistance of an interpreter. ECF No. 13 at 1. Defendant represents that he needs additional time to confer with his counsel before deciding how to proceed in this case. ECF No. 14 at 1.

Defendant wishes to continue the pretrial motions filing deadline from March 8, 2024 to April 16, 2024 as well as the corresponding hearing date. ECF No. 13 at 1. Defendant also requests the Court to exclude the period of time from March 6, 2024 through the new deadline to file pretrial motions (April 16, 2024) from the Speedy Trial Act computations. ECF No. 14 at 1. The Government does not oppose Defendant's requests. ECF No. 13 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial, and such continuance is necessary to provide the parties and their counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Motion Filing Date and Motion Hearing, ECF No. 13, is **GRANTED**.

2. The period of time from **March 6, 2024 through April 16, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **April 16, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. **Counsel shall electronically file a letter on or before April 16, 2024, if no motions will be filed and there is no need for a hearing.**

5. All responses to motions shall be filed by **April 30, 2024**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **April 30, 2024**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **May 3, 2024**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures, and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **May 7, 2024, at 1:30 p.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be submitted to Chief Judge Schiltz's chambers on or before ***a date to be determined***. Responses to trial-related motions (including motions in limine) must be submitted on or before ***a date to be determined***.

A pretrial conference will be held on ***a date to be determined*** in Courtroom 15, Minneapolis, before Chief Judge Patrick J. Schiltz. The government must submit its lists of prospective witnesses and prospective exhibits at this conference.

This case is scheduled for trial before Chief Judge Patrick J. Schiltz on *a date to be determined*, in **Courtroom 15**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Chief Judge Schiltz to confirm the new trial date.

Dated: March 21, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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